

## **IN THE CLAIMS**

Claims 1-10 (Cancelled)

11. (New) A non-aqueous electrolyte battery comprising:  
a cathode containing an cathode active material;  
an anode including an anode substrate, a thin film layer disposed on said anode substrate containing a metal incapable of alloying with lithium, and a thin film layer containing one type of metal element selected from the group consisting of Mg, B, Ga, In, Si, Ge, Pb, Sb, Bi, Cd, Hf, Zr, Y and As or a compound of combination thereof, said metal element or compound being capable of alloying with lithium and serving as an anode active material, said thin film layer containing metal incapable of alloying with lithium and said thin film layer containing said metal element or compound capable of alloying with lithium being overlaid on top of each other up to a total of three or more layers; and  
a non-aqueous electrolyte containing an electrolyte salt.

12. (New) Anon-aqueous electrolyte battery comprising:  
a cathode containing an cathode active material;  
an anode including one type of metal element selected from the group consisting of Mg, B, Ga, [n, Si, Ge, Pb, Sb, Bi, Cd, Hf, Zr, Y and As or a compound of combination thereof, said Metal element or compound being capable of alloying with lithium and serving as an anode active material; and  
a non-aqueous electrolyte containing an electrolyte salt;  
wherein said anode further includes a thin film layer containing a metal incapable of alloying with lithium, said thin film layer disposed on a surface of a thin film layer containing said metal element or compound capable of alloying with lithium.

13. (New) A non-aqueous electrolyte battery comprising:  
a cathode containing an cathode active material;  
an anode including an anode substrate, a current collector layer disposed on said anode substrate, a thin film layer containing a metal incapable of alloying with lithium, and a thin film layer containing a metal capable of alloying with lithium, which serves as an anode active material; an

a non-aqueous electrolyte containing an electrolyte salt.

14. (New) The non-aqueous electrolyte battery according to claim 3, wherein:  
two layers of thin film containing a metal incapable of alloying with lithium are formed on a current collector layer, said current collector layer being formed on said anode substrate; and

a thin film layer constructing said anode active material is formed on said two layers of thin film, said thin film layer containing metal capable of alloying with lithium.

15. (New) The non-aqueous electrolyte battery according to claim 3, wherein:  
said metal capable of alloying with lithium is alloy of one type of metal element selected from the group consisting of Mg, B, Al, Ga, In, Si, Ge, Sn, Pb, Sb, 13i, Cd, Ag, Zn, Hf, Zr, and Y or combination thereof.

16. (New) The non-aqueous electrolyte battery according to claim 2 or 3, wherein:  
said anode further includes one or more layer of thin film of carbonaceous material in addition to said thin film layers.

17. (New) The non-aqueous electrolyte battery according to claim 2 or 3, wherein:  
said anode further includes one or more of mixture layer containing a carbonaceous material and a binder.

18. (New) The non-aqueous electrolyte battery according to claim 3, wherein: said anode substrate is metal and/or a polymer.

19. (New) The non-aqueous electrolyte battery according to claim 8, wherein:  
said polymer is a high molecular weight polymer selected from the group consisting of an olefinic resin, a sulfur-containing resin, a nitrogen-containing resin and a fluorine-containing resin, or combination thereof.

20. (New) The non-aqueous electrolyte battery according to claim 8, wherein: said polymer has a true specific gravity within a range of 0.9 g/cc to 1.8 g/cc, both inclusive.

21. (New) The non-aqueous electrolyte battery according to claim 2 or 3, wherein:  
said cathode active material is a lithium metal oxide represented by the general formula  $\text{Li}_x\text{MyO}_z$ , where M is one or more of Co, Ni, Mn, Fe, Al, V or Ti, and  $x \geq 1$ ,  $y \geq 1$  and  $z \geq 2$ .

22. (New) The non-aqueous electrolyte battery according to claim 2 or 3, wherein:

said cathode and said anode are elongated and coiled along the longitudinal direction with a elongated separator in-between.